

Case No. G.R. 2173 of 2020
CIS No. GR 570 of 2022
CNR: WBHW12003820-2022

<p>In the Court of the Judicial Magistrate, 2nd Court, Uluberia (I/C) District: Howrah PRESENT: MOUMITA MALLICK (JO CODE - WB01472) Judicial Magistrate, 2nd Court, Uluberia, Howrah (I/C) (Under Sections 447/325/506/34 of IPC) (T.R. No. 441 of 2022)</p> <p>DATE OF JUDGMENT : 9th DAY OF MARCH, 2026</p>	
COMPLAINANT	STATE OF WEST BENGAL
REPRESENTED BY	LD APP SANJIB KR HALDAR
ACCUSED	A-1. ARUN MONDAL A-2. SAMIR MONDAL @ BILTU A-3. SHRABON MONDAL ALL OF VILL – BOULKHALI, PS – BAURIA, DIST – HOWRAH.
REPRESENTED BY	J PATI
Date of Offence	28/11/2020
Date of FIR	28/11/2020
Date of Chargesheet	29/12/2020
Date of Framing of Charge / plea	09/01/2026
Date of commencement of Evidence	31/01/2026
Date on which Judgment is reserved	09/03/2026
Date of Judgment	09/03/2026
Date of Sentencing Order, if any	NIL

ACCUSED DETAILS							
Rank of the Accused	Name of the Accused	Date of Arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
A-1	ARUN MONDAL	Surrendered on 01.12.2020	Released on 01.12.2020	447/325/506/ 34 of IPC	Acquitted	N/A	N/A
A-2	SAMIR MONDAL @ BILTU	Surrendered on 01.12.2020	Released on 01.12.2020	447/325/506/ 34 of IPC	Acquitted	N/A	N/A
A-3	SHRABON MONDAL	Surrendered on 01.12.2020	Released on 01.12.2020	447/325/506/ 34 of IPC	Acquitted	N/A	N/A
LIST OF PROSECUTION WITNESS							
RANK		NAME		NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)			
PW1		Rajib Mondal		DEFACTO COMPLAINANT			

LIST OF DEFENCE WITNESS		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF COURT WITNESS		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF PROSECUTION EXHIBITS		
Sr. No.	Exhibit Number	Description
01	P1/PW1	Signature upon the formal FIR

LIST OF DEFENCE EXHIBITS		
Sr. No.	Exhibit Number	Description
	NIL	NIL

LIST OF COURT EXHIBITS		
Sr. No.	Exhibit Number	Description
	NIL	NIL

LIST OF MATERIAL OBJECTS		
Sl. No.	Material Object Number	Description
	NIL	NIL

POINTS FOR DETERMINATION

- i) Whether the accused persons have committed offence punishable under Sections **447/325/506/34 of IPC** as alleged ?
- ii) Has the prosecution been able to prove the charge under Sections **447/325/506/34 of IPC** against the accused persons ?

DECISION WITH REASONS

- 1 . Both the points are taken up together for convenience of discussions and to avoid repetition.
- 2 . The instant case was initiated on the basis of a written complaint filed before O/C Bauria PS by the de-facto complainant. The brief fact of the instant case is that out of some long standing dispute between the defacto complainant and the accused persons, on 28.11.2020 at around 13.00 hours, all the accused persons abused the defacto complainant in filthy languages and further assaulted the defacto complainant with iron rod and sabol and furthermore snatched cash of Rs 7,000/- from the complainant. Resultantly the defacto complainant received injury and he was taken to the hospital for treatment. Thereafter, he has filed this case before the concerned PS for further relief.
- 3 . On the basis of such written complaint Bauria PS Case no – 121/20, dated 28.11.2020, under Sections 447/325/379/506/34 of IPC was initiated against the accused persons A-1 to A-3 and police took up investigation in the case.
- 4 . The I/O of this case, namely SI Manas Kumar Das of Bauria PS upon completion of the investigation submitted Charge-Sheet being No. 103/20, dated 29.12.2020 under Sections 447/323/325/506/34 of IPC against the accused persons A-1 and A-3 in compliance with section 173(5) of the Code of Criminal Procedure.
- 5 . On receipt of the Charge-Sheet, the then Ld. A.C.J.M., Uluberia, took cognizance of the offence and after complying the provisions of Section 207 of the Code of Criminal Procedure, transferred the case to this court for trial and final disposal vide order dated 28.06.2022.
- 6 . Out of the seven (07) prosecution witnesses named in the charge-sheet, the prosecution

examined one defacto complainant as PW-1.

7. Now before entering into the merit of the prosecution case, this Court would like to reiterate the cardinal principle of criminal law and justice that the prosecution has to establish its case beyond all reasonable doubt. Through the testimony of the witnesses fortified by documentary proof, the prosecution has to build or form a chain of circumstances and the same should be so complete that there is no escape from the conclusion that within all probability the crime was committed by the accused persons and none else and the evidence is consistent with the guilt of the accused persons and inconsistent with the plea of innocence. There must be clear and unequivocal proof of the *corpus delicti*.
8. PW-1/CSW-1 namely Rajib Mondal deposed and appeared and stated that he is the defacto complainant of this case. He has filed this case before Bauria PS against the three accused persons. They are all present today before the court. He failed to recollect the incident and he had no allegation against the accused persons. Handwritten Complaint is shown to the complainant. He identifies his signature over there. The formal FIR was marked as Ext – P1/PW1. Nothing substantial was revealed from the said witness.
9. Considering the trend of deposition of PW-1, Ld. APP prayed for closing the evidence of the other witnesses in connection with this case and accordingly the prayer was allowed and evidence for the prosecution was closed on 31.01.2026 due to lack of inculpatory statement of PW and after that 313 has been given by all the accused on 09.03.2026. Upon hearing the submission of Ld APP and further upon perusal of all the record and evidences, I find that no such inculpatory material arise against the accused and thus if the 313 will be taken on same date, it would not be infringed or breach of justice.
10. From the thorough study and scrutiny of the evidence on record and also in the light of the arguments put forward by the Ld. APP and the Ld. Counsel for the defence, it is clear that the witnesses have failed to corroborate the complaint and the case and allegations leveled against the accused persons in totality. None of the witnesses were successful in fully corroborating the FIR or naming or identifying the accused persons.
11. It is pertinent to refer the case of **Kathi Bharat Vajsur & Anr. Vs. State of Gujrat [(2012) 5 SCC 724]** wherein the Hon'ble Apex Court reiterated that, "*It is a well settled principle of criminal trial that the guilt of the accused must be proved beyond reasonable doubt....*" Thus, putting the case on the touchstone as narrated above, I find that the evidences cited are not awe inspiring in forming up a string of events to establish the prosecution case beyond reasonable doubt. With such state of the evidences on record this court has no hesitation to declare that the prosecution has failed to prove the charges against the accused persons A-1 to A-3. Accordingly, both the points for determination are decided in negative against the prosecution. Thus, the case failed and the accused persons A-1 to A-3 are liable to be acquitted.

DECISION THEREOF

12. Hence,

it is,

ORDERED

that the accused persons A-1 to A-3 are found **not guilty** of committing the offence punishable under sections 447/325/506/34 of IPC and they are **acquitted** from this case under section 248(1) of CrPC.

The accused persons A-1 to A-3 are on Court bail and they are discharged forthwith from their bail bonds and set at liberty. The concerned sureties are also discharged from their obligations.

BC II to enter in relevant register. Update CIS.

The case being no. GR – 2713 of 2020 (New GR – 570 of 2022) is disposed of.

Dictated by me.

Judicial Magistrate, 2nd Court
Uluberia, Howrah (I/C)

Judicial Magistrate, 2nd Court
Uluberia, Howrah (I/C)

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G.R. No. 2173 of 2020
CIS No. GR – 570 of 202
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Order dated : 09.03.2026

Today is fixed for 313, argument and judgment.

Ld APP is also present.

The accused A-1 to A-3 are present today and files hazira and they were examined U/s 313 CrPC.

Heard argument at 2.00 pm and judgment passed on 4.40 pm.

Both parties are directed to be remain present.

Upon consideration of the materials on record and perusing the 313 and argument submitted by both Advocate of the respective parties and thus I consider that the accused A-1 and A-3 are not guilty and liable to be acquitted from this case.

Later ,

Both the parties are present.

Judgment is delivered in open court.

Judgment is written in separate sheets containing 5 pages are kept with the record.

As per judgment it is

ORDERED

that the accused persons A-1 to A-3 are found **not guilty** of committing the offence punishable under sections 447/325/506/34 of IPC and they are **acquitted** from this case under section 248(1) of CrPC.

The accused persons A-1 to A-3 are on Court bail and they are discharged forthwith from their bail bonds and set at liberty. The concerned sureties are also discharged from their obligations.

BC II to enter in relevant register. Update CIS.

The case being no. GR – 2713 of 2020 (New GR – 570 of 2022) is disposed of.

Judgment is pronounced in open court on this 9th day of March, 2026 at 4.40 PM.

Let a copy of this order be sent to Ld. Secretary, DLSA, Howrah.

Take a note in relevant register and cause list.

D/C by me

Moumita Mallick

J.M. 2nd Court, Uluberia,Howrah (I/C)

Moumita Mallick

J.M. 2nd Court, Uluberia, Howrah (I/C)